

**161.028 Education Professional Standards Board -- Powers and duties regarding the preparation and certification of professional school personnel -- Membership.**

- (1) The Education Professional Standards Board is recognized to be a public body corporate and politic and an agency and instrumentality of the Commonwealth, in the performance of essential governmental functions. The Education Professional Standards Board has the authority and responsibility to:
  - (a) Establish standards and requirements for obtaining and maintaining a teaching certificate;
  - (b) Set standards for, approve, and evaluate college, university, and school district programs for the preparation of teachers and other professional school personnel. Program standards shall reflect national standards and shall address, at a minimum, the following:
    1. The alignment of programs with the state's core content for assessment as defined in KRS 158.6457;
    2. Research-based classroom practices, including effective classroom management techniques;
    3. Emphasis on subject matter competency of teacher education students;
    4. Methodologies to meet diverse educational needs of all students;
    5. The consistency and quality of classroom and field experiences, including early practicums and student teaching experiences;
    6. The amount of college-wide or university-wide involvement and support during the preparation as well as the induction of new teachers;
    7. The diversity of faculty;
    8. The effectiveness of partnerships with local school districts; and
    9. The performance of graduates on various measures as determined by the board.
  - (c) Conduct an annual review of diversity in teacher preparation programs;
  - (d) Provide assistance to universities and colleges in addressing diversity, which may include researching successful strategies and disseminating the information, encouraging the development of nontraditional avenues of recruitment and providing incentives, waiving administrative regulations when needed, and other assistance as deemed necessary;
  - (e) Discontinue approval of programs that do not meet standards or whose graduates do not perform according to criteria set by the board;
  - (f) Issue, renew, revoke, suspend, or refuse to issue or renew; impose probationary or supervisory conditions upon; issue a written reprimand or admonishment; or any combination of actions regarding any certificate;
  - (g) Develop specific guidelines to follow upon receipt of an allegation of sexual misconduct by an employee certified by the Education Professional Standards Board. The guidelines shall include investigation, inquiry, and hearing

procedures which ensure the process does not revictimize the alleged victim or cause harm if an employee is falsely accused;

- (h) Receive, along with investigators hired by the Education Professional Standards Board, training on the dynamics of sexual misconduct of professionals, including the nature of this abuse of authority, characteristics of the offender, the impact on the victim, the possibility and the impact of false accusations, investigative procedures in sex offense cases, and effective intervention with victims and offenders;
- (i) Recommend to the Kentucky Board of Education the essential data elements relating to teacher preparation and certification, teacher supply and demand, teacher attrition, teacher diversity, and employment trends to be included in a state comprehensive data and information system and report the recommendations to the Interim Joint Committee on Education;
- (j) Submit reports to the Governor and the Legislative Research Commission and inform the public on the status of teaching in Kentucky;
- (k) Devise a credentialing system that provides alternative routes to gaining certification and greater flexibility in staffing local schools while maintaining standards for teacher competence;
- (l) Develop a professional code of ethics;
- (m) Set the qualifications and salary for the positions of executive director and deputy executive director to the board, notwithstanding the provisions of KRS 64.640;
- (n) Recruit, select, employ and evaluate the executive director to the board;
- (o) Approve employment procedures for the employment of policy level staff, subject to the provisions of KRS 12.050;
- (p) Approve the biennial budget request;
- (q) Charge reasonable fees for the issuance, reissuance, and renewal of certificates that are established by administrative regulation. The proceeds shall be used to meet a portion of the costs of the issuance, reissuance, and renewal of certificates, and the costs associated with disciplinary action against a certificate holder under KRS 161.120;
- (r) Waive a requirement that may be established in an administrative regulation promulgated by the board. A request for a waiver shall be submitted to the board, in writing, by an applicant for certification, a postsecondary institution, or a superintendent of a local school district, with appropriate justification for the waiver. The board may approve the request if the person or institution seeking the waiver has demonstrated extraordinary circumstances justifying the waiver. Any waiver granted under this subsection shall be subject to revocation if the person or institution falsifies information or subsequently fails to meet the intent of the waiver;
- (s) Promote the development of one (1) or more innovative, nontraditional or alternative administrator or teacher preparation programs through public or private colleges or universities, private contractors, the Department of

Education, or the Kentucky Commonwealth Virtual University and waive administrative regulations if needed in order to implement the program;

- (t) Grant approval, if appropriate, of a university's request for an alternative program that enrolls students in a postbaccalaureate teacher preparation program concurrently with employment as a teacher in a local school district. A student in the alternative program shall be granted a temporary provisional certificate and shall be a candidate in the Kentucky Teacher Internship Program, notwithstanding provisions of KRS 161.030. The temporary certificate shall be valid for a maximum of two (2) years, and shall be contingent upon the candidate's continued enrollment in the preparation program and compliance with all requirements established by the board. A professional certificate shall be issued upon the teacher candidate's successful completion of the program, the internship requirements, and all assessments required by the board;
  - (u) Grant approval, if appropriate, of a university's request for an alternative program that enrolls an administrator candidate in a postbaccalaureate administrator preparation program concurrently with employment as an assistant principal, principal, assistant superintendent, or superintendent in a local school district. An administrator candidate in the alternative program shall be granted a temporary provisional certificate and shall be a candidate in the Kentucky Principal Internship Program, notwithstanding provisions of KRS 161.030, or the Superintendent's Assessment process, notwithstanding provisions of KRS 156.111, as appropriate. The temporary certificate shall be valid for a maximum of two (2) years, and shall be contingent upon the candidate's continued enrollment in the preparation program and compliance with all requirements established by the board. A professional certificate shall be issued upon the candidate's successful completion of the program, internship requirements, and assessments as required by the board;
  - (v) Employ consultants as needed;
  - (w) Enter into contracts. Disbursements to professional educators who receive less than one thousand dollars (\$1,000) in compensation per fiscal year from the board for serving on an assessment validation panel or as a test scorer or proctor shall not be subject to KRS 45A.690 to 45A.725;
  - (x) Sponsor studies, conduct research, conduct conferences, and publish information as appropriate; and
  - (y) Issue orders as necessary in any administrative action before the board.
- (2) (a) The board shall be composed of seventeen (17) members. The chief state school officer and the president of the Council on Postsecondary Education, or their designees, shall serve as ex officio voting members. The Governor shall make the following fifteen (15) appointments:
1. Nine (9) members who shall be teachers representative of elementary, middle or junior high, secondary, special education, and secondary vocational classrooms;

2. Two (2) members who shall be school administrators, one (1) of whom shall be a school principal;
  3. One (1) member representative of local boards of education; and
  4. Three (3) members representative of postsecondary institutions, two (2) of whom shall be deans of colleges of education at public universities and one (1) of whom shall be the chief academic officer of an independent not-for-profit college or university.
- (b) The members appointed by the Governor after June 21, 2001, shall be confirmed by the Senate and the House of Representatives under KRS 11.160. If the General Assembly is not in session at the time of the appointment, persons appointed shall serve prior to confirmation, but the Governor shall seek the consent of the General Assembly at the next regular session or at an intervening extraordinary session if the matter is included in the call of the General Assembly.
- (c) A vacancy on the board shall be filled in the same manner as the original appointment within sixty (60) days after it occurs. A member shall continue to serve until his successor is named. Any member who, through change of employment status or residence, or for other reasons, no longer meets the criteria for the position to which he was appointed shall no longer be eligible to serve in that position.
- (d) Members of the board shall serve without compensation but shall be permitted to attend board meetings and perform other board business without loss of income or other benefits.
- (e) A state agency or any political subdivision of the state, including a school district, required to hire a substitute for a member of the board who is absent from his employment while performing board business shall be reimbursed by the board for the actual amount of any costs incurred.
- (f) A chairman shall be elected by and from the membership. A member shall be eligible to serve no more than three (3) one (1) year terms in succession as chairman. The executive director shall keep records of proceedings. Regular meetings shall be held at least semiannually on call of the chairman.
- (g) To carry out the functions relating to its duties and responsibilities, the board is empowered to receive donations and grants of funds; to appoint consultants as needed; and to sponsor studies, conduct conferences, and publish information.

**Effective:** July 15, 2002

**History:** Amended 2002 Ky. Acts ch. 288, sec. 3, effective July 15, 2002. -- Amended 2001 Ky. Acts ch. 137, sec. 7, effective June 21, 2001. -- Amended 2000 Ky. Acts ch. 527, sec. 15, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 362, sec. 3, effective July 15, 1998. -- Amended 1997 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 66, effective May 30, 1997. -- Amended 1996 Ky. Acts ch. 107, sec. 1, effective July 15, 1996; and ch. 343, sec. 4, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 265, sec. 1, effective July 15, 1994; and ch. 470, sec. 1, effective July 15, 1994. -  
- Created 1990 Ky. Acts ch. 476, Pt. II, sec. 56, effective July 13, 1990.

**Legislative Research Commission Note** (7/15/96, revised 9/28/99). Notwithstanding 1996 Ky. Acts ch. 362, sec. 6, the reference to the State Board for Elementary and Secondary Education in subsection (3), formerly subsection (4), of this statute has been left unchanged because that reference is historical in nature. The former subsection (4) became subsection (3) from 1998 Ky. Acts ch. 362, sec. 3, effective July 15, 1998.

**2002-2004 Budget Reference.** See State/Executive Branch Budget, 2003 Ky. Acts ch. 156, pt. I, sec. A, item 25, at 1737; and State/Executive Branch Budget Memorandum, 2003 Ky. Acts ch. 143, at 694 (Final Budget Memorandum, at 276).